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OFFICE OF PETITIONS

In re Patent No. 7,346,766 :
Issue Date: March 18, 2008 :
Mackin et al. :
Application No. 10/796,571 : LETTER REGARDING
Filed: March 9, 2004 : PATENT TERM ADJUSTMENT
Atty Docket No.343328001US2 :

This is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT (PTA)," filed March 5, 2008. Pursuant to their duty of candor and good faith to the Office, patentees disclose that the initial determination of patent term adjustment at the time of the mailing of the notice of allowance should be three hundred ninety-one (391) days, not four hundred eighty-one (481) days.

The request for review of the patent term adjustment is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred ninety-one (391) days.

On March 18, 2008, the application matured into U.S. Patent No. 7,346,766, with a revised patent term adjustment of 481 days. Patentees disclose that a Request for Continued Examination (RCE) was filed on October 30, 2007, which was 90 days past the due date of August 1, 2007.

A review of the record confirms that in response to the final Office action mailed May 1, 2007, patentees did not file an RCE until October 30, 2007, three months and 90 days later. As

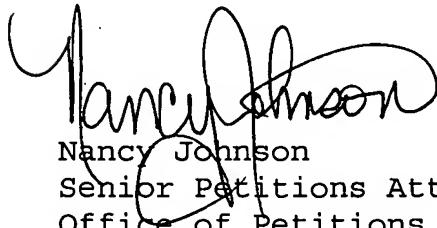
such, a period of reduction of 90 days, is being entered pursuant to 37 C.F.R. §1.704(b).

As such, the patent should have issued with a revised patent term adjustment of three hundred ninety-one (391) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks Patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error, and for consideration of the request for certificate of correction filed April 24, 2008. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by three hundred ninety-one (391) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,346,766 B2
DATED : March 18, 2008
INVENTOR(S) : Mackin et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 481 days

Delete the phrase "by 481 days" and insert – by 391 days--